

Ordinance #961
ORDINANCE NO. SD-45

BEING AN ORDINANCE CONFIRMING AN ORDINANCE AUTHORIZING A CHANGE OF SEWER RATES BASED SOLELY UPON THE CHANGE IN THE COST OF WASTEWATER TREATMENT AT SCHERERVILLE, INDIANA

WHEREAS, the Utility Board of the Town of Schererville has previously approved an ordinance approving an increase in certain rates and charges for the treatment of sanitary sewage and wastewater at the Schererville sewage treatment plant; and

WHEREAS, the St. John Sanitary District and the Town of St. John remonstrated to and filed a petition with the Lake Circuit Court objecting to such rates and charges; and

WHEREAS, the presiding Judge in such proceeding had ordered that the Town of St. John pay, pending further review of the proceedings and an ultimate order to be issued in said court, the rates and charges adopted by the Town of Schererville; and

WHEREAS, the Indiana Court of Appeals has vacated such order and the Lake Circuit Court has vacated its previous order, reinstated the previous rate of \$1.14 per thousand gallons and ordered a credit to the Town of St. John; and

WHEREAS, the Town of Schererville treats sewage and wastewater of the Town of St. John, and the charges therefore were decreased from \$1.50 per thousand gallons to \$1.14 per thousand gallons pursuant to said court order; and

WHEREAS, it is necessary for the Town of St. John to track a decrease in its costs of treated sewage and wastewater to those residents and users connected to the sanitary sewer system for the Town of St. John and provide a rebate for excess sums collected

between January 1, 1993 and February 28, 1994.

WHEREAS, the Board of Sanitary Commissioners of the Town of St. John adopted a preliminary ordinance tracking an increase in the cost of treated sewage and wastewater on May 19, 1994; and

WHEREAS, ordinances that establish rates and charges for the treatment of sanitary sewers and wastewater require that the Clerk-Treasurer of the Town of St. John give notice of the adoption of the within ordinance and that a public hearing would be had thereon on the 2nd day of June, 1994 at 7:30 p.m., at the Town Hall, in St. John, Lake County, Indiana, as provided by law; and

WHEREAS, such notices were published as shown by the Proofs of Publication presented by said Clerk-Treasurer; and

WHEREAS, a public hearing was held on the 2nd day of June, 1994 at 7:30 p.m. at which time persons interested in or affected by the said proceedings were given an opportunity to be heard and introduce evidence on the questions to be determined therein; and

WHEREAS, the Board of Sanitary Commissioners of the Sanitary District of the Town of St. John and the Town Council of the Town of St. John have determined that it is necessary to track a decrease in sewage rates as set forth in this Ordinance and as required by the Lake Circuit Court pursuant to its most recent order.

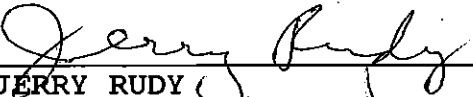
NOW, THEREFORE, BE IT ORDAINED by the Board of Sanitary Commissioners of the St. John Sanitary District and the Town Council of Town of St. John, Lake County, Indiana, as follows:

1. That the decrease in the cost of treating sewage

charged to the Town of St. John by the Town of Schererville be tracked and deducted from the rates and charges of the Town of St. John to its customers and a rebate provided to its customer base.

2. That, the decrease and rebate in the Town of St. John's schedule of rates and charges for sewage treatment shall be \$1.08 per thousand gallons until the sum of One Hundred Thousand Dollars (\$100,000.00) more or less be rebated to its customer base and thereafter the treatment component of the sewer rate shall be \$1.14 per thousand gallons.

Passed and adopted by the Board of Sanitary Commissioners of the Sanitary District and the Town Council of the Town of St. John, Lake County, Indiana on this 2nd day of June, 1994 and ~~20~~²⁷th day of June, 1994 respectively.


JERRY RUDY



RICHARD HOOVER

JOEL NIETING

Board of Sanitary Commissioners,
Sanitary District
Town of St. John


DOUGLAS PATTERSON


KENNETH GEMBALA


CARL BROWN

Town Council
Town of St. John

ATTEST:


JUDITH L. COMPANIK
Clerk-Treasurer